

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 50 is currently being amended.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate status identifier.

After amending the claims as set forth above, claims 1-18 and 39-52 are now pending in this application. Claims 39-49 have been withdrawn from consideration.

1. Rejection of Claims 1-18 and 50-52 Under 35 U.S.C. § 102(e) as Being Anticipated by Hibbert et al.

On page 3 of the Office Action, claims 1-18 and 50-52 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hibbert et al. (U.S. Patent Appl. Publ. No. 20060074793). For the reasons that follow, Applicants respectfully submit that Hibbert et al. fails to disclose at least one element in each of the rejected claims.

Independent claim 1 recites a combination including, among other elements, “receiving a first set of loan data [for a mortgage loan], . . . receiving a second set of loan data for the loan from the seller, . . . and comparing the first set of loan data and the second set of loan data at computer-implemented comparison logic to determine any differences,” which is not disclosed by Hibbert et al. The Examiner provided a general cite to various sections of Hibbert et al. in the rejection of claim 1. However, as discussed in further detail below, Applicants have found no portion of Hibbert et al. that discloses the above limitation of claim 1, and it is unclear to Applicants what portion of Hibbert et al. the Examiner is relying on for the disclosure of “receiving a first set of loan data [for a mortgage loan], . . . receiving a second set of loan data for the loan from the seller, . . . and comparing the first set of loan data and the second set of loan data at computer-implemented comparison logic to determine any differences,” as recited in claim 1. If the rejection of claim 1 (and, similarly, independent

claims 7, 13, 16, and 50) is to be maintained, Applicants respectfully request clarification as to the portion of Hibbert et al. that discloses the above limitation of claim 1.

Hibbert et al. discloses a “transaction management system” intended to facilitate and manage financial transactions, including the purchase and sale of mortgage loans. See ¶ [0028]. Hibbert et al. further discloses the use of an “automated underwriting system” that “segregates a pool of loans into predefined categories based on a set of underwriting guidelines implemented by a rule set.” ¶¶ [0071]-[0072]. The automated underwriting system in Hibbert et al. may also generate “pricing information for each loan in the submitted pool.” ¶ [0072]. However, Hibbert et al. does not disclose “receiving a first set of loan data [for a mortgage loan], . . . receiving a second set of loan data for the loan from the seller, . . . and comparing the first set of loan data and the second set of loan data at computer-implemented comparison logic to determine any differences,” as recited in independent claim 1. More specifically, Hibbert et al. fails to disclose “receiving a second set of loan data for the loan from the seller,” and therefore also fails to disclose “comparing the first set of loan data and the second set of loan data at computer-implemented comparison logic to determine any differences.” The system in Hibbert et al. generates underwriting data “based on a set of underwriting guidelines implemented by a rules set.” ¶ [0072]. Accordingly, because Hibbert et al. fails to disclose at least one limitation of independent claim 1, Applicants respectfully request that the rejection of independent claim 1, and corresponding dependent claims 2-6, be withdrawn.

Independent claims 7, 13, 16, and 50 each recite similar limitations to those cited above with respect to independent claim 1. Independent claim 7 recites a combination including, among other elements, “computer-implemented means [for receiving a first set of loan data and a second set of loan data and] for comparing the first set of loan data to the second set of loan data to determine any differences.”

Independent claim 13 recites a combination including, among other elements, “receiving a first set of loan data . . . ; receiving a second set of loan data from the seller, . . . [and] comparing the first set of loan data to the second set of loan data at computer-implemented comparison logic to determined any differences.”

Independent claim 16 recites a combination including, among other elements, “computer-implemented underwriting logic for receiving a first set of loan data . . . [and] receiving a second set of loan data from the seller, . . . [and] computer-implemented comparison logic for comparing the first set of loan data to the second set of loan data to identify any differences.”

Independent claim 50 recites a combination including, among other elements, “receiving a first set of loan data, . . . receiving a second set of loan data from the seller, . . . [and] comparing the fist set of loan data to the second set of loan data using at least one computer-implemented business rule to determined a set of differences.” Applicants note that claim 50 has been amended to correct a typographical error.

Independent claims 7, 13, 16, and 50 are believed to be patentable over Hibbert et al. for the same reasons that independent claim 1 is patentable over Hibbert et al. Accordingly, Applicants respectfully request that the rejection of independent claims 7, 13, 16, and 50, and corresponding dependent claims 8-12, 14, 15, 17, 18, 51, and 52, be withdrawn.

2. Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for

such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to
Deposit Account No. 06-1447.

Respectfully submitted,

Date 2/16/2004

FOLEY & LARDNER LLP
Customer Number: 34099
Telephone: (414) 319-7306
Facsimile: (414) 297-4900

By M.J.S.

Matthew J. Swietlik
Attorney for Applicants
Registration No. 58,428